

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DESMOND ERWIN JOHNSON,

Plaintiff,

CASE NO. 18-10447

HON. MARIANNE O. BATTANI

COMMISSIONER
OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Desmond Erwin Johnson brings this action pursuant to 42 U.S.C. § 405 (g), challenging the final decision of the Commissioner denying his application for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI") under the Social Security Act. The case was referred to Magistrate Judge Steven Whalen pursuant to 28 U.S.C. § 636(b)(1)(B) to review the final decision.

The parties filed cross-motions for summary judgment. In a Report and Recommendation ("R&R") dated February 7, 2019, Magistrate Judge Whalen recommended that Defendant's motion be granted and Plaintiff's motion be denied. In his R&R, the Magistrate Judge informed the parties that objections to the R&R needed to be filed within 14 days of service and that a party's failure to file objections would waive any further right of appeal. (ECF No. 17 at Page 17).

Neither party filed an objection. Because no objection has been filed in this case, the parties waived their right to *de novo* review and appeal. Moreover, this Court

agrees with the thorough analysis contained in the R&R.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation,
GRANTS Defendant's Motion for Summary Judgment and **DENIES** Plaintiff's Motion for
Summary Judgment.

IT IS SO ORDERED.

Date: March 8, 2019

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on March 8, 2019.

s/ Kay Doaks
Case Manager